

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CECIL MCKENZIE,

Plaintiff,

18 **CIVIL** 6913 (VEC)

-against-

JUDGMENT

THE CITY OF NEW YORK, MARQUIS CROSS,
JOSE CALLE-PALOMEQUE, AND ROBERT
ZEVON,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated July 2, 2021, the R&R is adopted in full, Defendants' motion for summary judgment is granted, and this case is DISMISSED. Judge Gorenstein applied the correct legal standard. He rightly recognized that as a pro se party, McKenzie's filings should be construed "liberally to raise the strongest arguments that they suggest." R&R, Dkt. 94 at 7 (citing Willey v. Kirkpatrick, 801 F.3d 51, 62 (2d Cir. 2015)); see also Triestman v. Fed. Bureau of Prisons, 470 F.3d 471, 475 (2d Cir. 2006) (collecting cases finding that pro se parties must be accorded a "special solicitude"). Applying this standard, Judge Gorenstein was correct to construe McKenzie's claims as ones brought pursuant to 42 U.S.C. § 1983, for violations of his constitutional rights to be free from excessive force and malicious prosecution; accordingly, the case is closed.

Dated: New York, New York
July 6, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk